

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/ (954) 797-1101
Prepared by: Marcie Nolan, Planning Supervisor

SUBJECT: Grant of Easement, Pine Meadow Estates Plat
Associated Engineers of South Florida- applicant/ Alice Butler and
David Clark - owners
2201 SW 136th Avenue / Generally located on the west side of SW
136 Avenue approximately 800 feet north of SW 24th Street

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ACCEPT A GRANT OF EASEMENT FOR THE PINE MEADOW ESTATES PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES AND THE TOWN SEAL TO SAID EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The Pine Meadow Estates Plat, was approved by Town Council on November 3, 1999. Subsequently, a plat and site plan for the parcel located south of Pine Meadows Estates, Pine Meadows Estates II, was approved by Town Council on October 15, 2003 contingent upon connecting the existing 15 foot equestrian/recreational trail to the north, from Pine Meadows Estates II into Pine Meadow Estates. This request accepts the dedication of the 15 foot equestrian/recreational trail within the Pine Meadow Estates Plat, as requested by staff and Town Council.

PREVIOUS ACTIONS: None

CONCURRENCES: None

FISCAL IMPACT: N/A

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to the Town Council for further consideration.

Attachment(s): Resolution, Grant of Easement, Sketch and Description of Easement, Quick Claim Deed, Opinion of Title, Tax Letter, Future Land Use Map, Zoning and Aerial Map

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ACCEPT A GRANT OF EASEMENT FOR THE PINE MEADOW ESTATES PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES AND THE TOWN SEAL TO SAID EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Davie approved Resolution R-99-335 which approved a plat known as Pine Meadow Estates on November 3, 1999; and

WHEREAS, a condition of approval of the Pine Meadow Estates II Plat and site plan was for trail connection to the north through the Pine Meadows Estates plat; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie does hereby authorize the Mayor or Town Administrator to accept the Grant of Easement, a copy of which is attached hereto as Exhibit "A", delineating a portion of land, further described in Exhibit "B", for the grant of easement of a 15 foot equestrian/recreational trail.

SECTION 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2003.

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2003.

Prepared by:
Gustavo X. Aguirre, President
Associated Engineers of
South Florida, Inc.
5450 Griffin Road
Davie, Florida 33314

Return To:
Town of Davie Administrative Services
6591 S.W. 45th Street
Davie, FL 33314-3399

EQUESTRIAN TRAIL AND RECREATIONAL EASEMENT

THIS NON EXCLUSIVE EASEMENT is granted this 4TH day of December, 2002 between David A. Clark and Alice U. Butler, as tenants in common, whose mailing address is 7499 Pembroke Road, Pembroke Pines, FL, 33023, hereinafter called "First Party" to the Town of Davie, a Municipal Corporation of the State of Florida, whose mailing address is 6591 S.W. 45th Street, Davie, Florida 3314-3399, hereinafter called "Town"

WITNESSETH:

That the said First Party, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid by the Town, the receipt whereof is hereby acknowledged, does hereby grant and convey to Town, its successors and assigns, a perpetual equestrian and recreational easement to install, maintain and operate a horse trail and or other recreational paths, together with the right to clear and keep clear such obstructions from the surface and subsurface that might endanger the proper construction, operation and maintenance of said trails in, under, upon, over and across that certain strip of land of the First Party legally described as follows:

SEE ATTACHED EXHIBIT "A"

Together with free ingress, egress, and regress across said lands for the purpose of cleaning, maintaining and repairing said facilities, and together with the right and privileges to construct, inspect, alter, improve, remove or relocate such facilities. Such easement rights to continue for as long as the Town, its successors and assigns, require the said easements with rights herein granted for the operation and maintenance of such horse/recreational trails. The foregoing provisions are hereby declared to be reservations and restrictions running with the land.

IN WITNESS WHEREOF, we have hereunto set our hands and seals the day and year first above written.

WITNESSED BY:

Gustavo X. Aguirre

Gustavo X. Aguirre
(Print Witness Name)

Oscar E. Tovar

Oscar E. Tovar
(Print Witness Name)

David A. Clark

By: David A. Clark

Alice U. Butler

By: Alice U. Butler

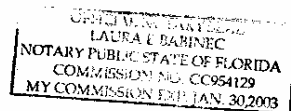
STATE OF FLORIDA)
) S.S.
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 4th day of December, 2002, by David A. Clark and Alice U. Butler, who are personally known to me.

L. E. Babinec
Laura E. Babinec
Notary Public

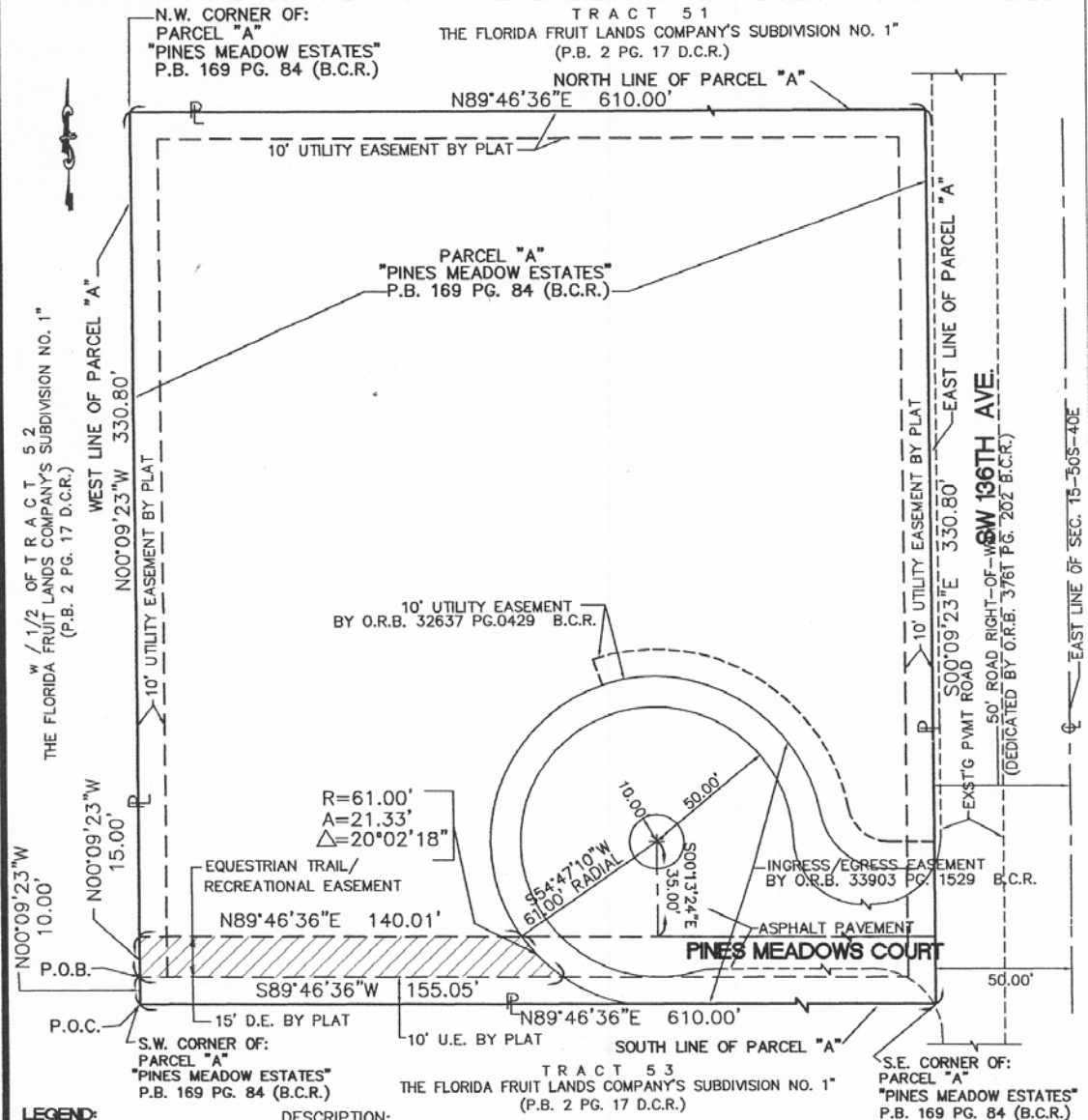
My Commission Expires:

☒ DID NOT take an oath



SECTION A EQUESTRIAN AND RECREATIONAL EASEMENT SKETCH AND DESCRIPTION

THIS IS NOT A SURVEY BUT ONLY A GRAPHICAL REPRESENTATION OF THE DESCRIPTION SHOWN HEREON.



LEGEND:

- UE = UTILITY EASEMENT
- D.E. = DRAINAGE EASEMENT
- W.P.P. = WOOD POWER POLE
- CL = CENTER LINE
- B.C.R. = BROWARD COUNTY RECORDS
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT

DESCRIPTION:

A PORTION OF PARCEL "A" OF "PINES MEADOW ESTATES", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 169 AT PAGES 83 & 84 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE S.W. CORNER OF SAID PARCEL "A"; THENCE N00°09'23"W ALONG THE WEST LINE OF SAID PARCEL "A", A DISTANCE OF 10.00 FEET; TO THE POINT OF BEGINNING OF THE EASEMENT SUBJECT OF THIS DESCRIPTION; THENCE CONTINUE N00°09'23"W A DISTANCE OF 15.00 FEET, THENCE N89°46'36"E ALONG A LINE 25.00 FEET NORTH AND PARALLEL WITH THE SOUTH LINE OF SAID PARCEL "A" DISTANCE OF 140.01 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE TO THE NORTHEAST WITH RADIAL BEARING OF S54°47'10"W, HAVING A RADIUS OF 61.00 FEET, THENCE PROCEED SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20°02'18" A DISTANCE OF 21.33 FEET TO A NON TANGENT POINT THENCE S89°46'36"W A DISTANCE OF 155.05 FEET TO THE POINT OF BEGINNING.

I HEREBY CERTIFY:

SAID LANDS SITUATE, LYING AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY FLORIDA, CONTAINING 2199.74 SQ. FT. THAT THE ATTACHED SKETCH AND DESCRIPTION CONFORMS TO CHAPTER 61017- , AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

NOTE: THE UNDERSIGNED AND ASSOCIATED ENGINEERS OF SOUTH FLORIDA, INC. MAKES NO REPRESENTATIONS NOR GUARANTEES AS TO THE

This instrument was prepared by:
Gustavo X. Aguirre, President
Associated Engineers of South Florida, Inc.
5450 Griffin Road
Davie, FL 33314

Return to:
Town of Davie Administrative Services
6591 S.W. 45th St.
Davie, FL 33314-3399

QUIT CLAIM DEED
(Individual)

THIS INDENTURE, made this 4th day of December, A.D., 2002, between David A. Clark and Alice E. Butler, as tenants in common whose Post office address is 7499 Pembroke Road, Pembroke Pines, Florida 33023 as party (ies) of the first part and the Town of Davie a political subdivision of the State of Florida, whose Post Office address is 6591 S.W. 45th Street, Davie, Florida 33314-3399, as party of the second part.

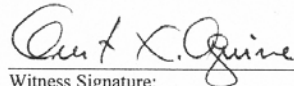
WITNESSETH, That the said party (ies) of the first part, for and in consideration of the sum of One Dollar and other valuable considerations, paid, receipt of which is hereby acknowledged, do(es) hereby remise, release, quit claim and convey unto the party of the second part, its successors and assigns a Right-of-way for the construction, maintenance and operation of a local paved road, sidewalks, street lights and associated appurtenances, all right, title interest, claim and demand which the party(ies) of the first part has(ve) in and to the following described land, situate, lying and being in the Town of Davie, County of Broward, State of Florida, to-wit:

See Exhibit "A" with accompanying sketch of description attached hereto
And made a part hereof.

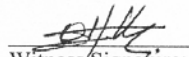
TO HAVE AND TO HOLD THE SAME, together with all and singular the appurtenances thereto belonging or in anywise incident or appertaining, and all the estate, right, title, interest, and claim whatsoever of the said party(ies) of the first part, in law or in equity to the only proper use, benefit, and behoof of the said party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, said party(ies) of the first part has(ve) hereunto set their hand(s) and seal on the date first above written.

Signed, sealed and delivered
In the presence of
(Signature of TWO witnesses
required by Florida Law)


Witness Signature:

Gustavo X. Aguirre
(Print Name)


Witness Signature:


Signature

David A. Clark (Seal)
Print Name:


Signature

ACKNOWLEDGEMENT

STATE OF FLORIDA

COUNTY OF BROWARD

Before me personally appeared David A. Clark and Alice E. Butler, as the person(s) to me well known described in and who executed the foregoing instrument and acknowledged before me that they executed the same for the purposes therein expressed.

WITNESS my hand and official seal this 4th day of December, 2002.

(SEAL)

L. E. K.
(Signature of person taking acknowledgement)

Laura E. Babinec
(Name of officer taking acknowledgement)
typed, printed or stamped

Notary Public
Title or Rank

CC 954129
(Serial number, if any)

My commission expires:

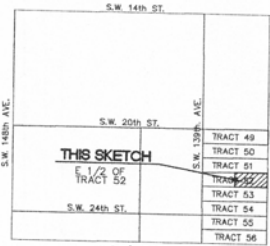
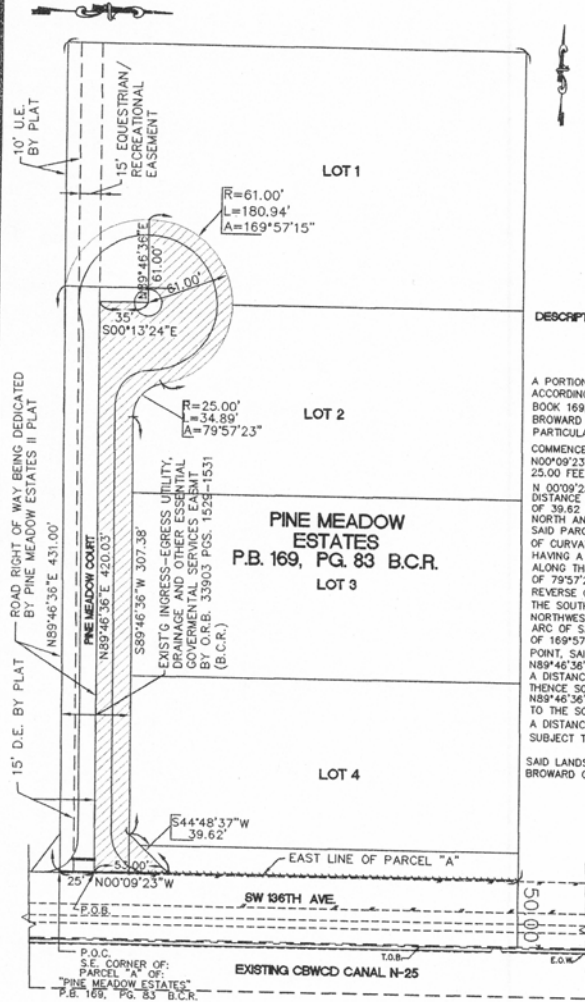


Acknowledgement misc

EXHIBIT "A"
PINE MEADOW COURT RIGHT-OF-WAY
SKETCH AND DESCRIPTION

PAGE 1 OF 1

THIS IS NOT A SURVEY BUT ONLY A GRAPHICAL REPRESENTATION OF THE DESCRIPTION SHOWN HEREON.



DESCRIPTION

A PORTION OF PARCEL "A" OF: "PINE MEADOW ESTATES" ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 169, AT PAGE 0083 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE S.E. CORNER OF SAID PARCEL A, THENCE N00°09'23"W ALONG THE EAST PLAT BOUNDARY A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE N 00°09'23" W ALONG SAID EAST PLAT BOUNDARY A DISTANCE OF 53.00 FT.; THENCE S 44°48'37" W A DISTANCE OF 39.62 FT.; THENCE S 89°46'36" W ALONG A LINE 50' NORTH AND PARALLEL TO THE SOUTH BOUNDARY LINE OF SAID PARCEL "A" A DISTANCE OF 307.38' FT. TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 25.00 FT.; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 79°57'23", A DISTANCE OF 34.89 FT. TO A POINT OF REVERSE CURVATURE WITH A CIRCULAR CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 61.00 FT. THENCE NORTHWESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 169°57'15" A DISTANCE OF 180.94 FT. TO A NON TANGENT POINT, SAID POINT BEING ON A RADIAL LINE BEARING N89°46'36"E, THENCE CONTINUE ALONG SAID RADIAL LINE A DISTANCE OF 61.00 FEET TO THE CENTER OF SAID CURVE, THENCE S00°13'24"E A DISTANCE OF 35.00 FEET, THENCE N89°46'36"E ALONG A LINE 25' NORTH AND PARALLEL TO THE SOUTH BOUNDARY LINE OF SAID PARCEL "A" A DISTANCE OF 420.03 FEET TO THE POINT OF BEGINNING SUBJECT TO EASEMENTS OF RECORD.

SAID LANDS SITUATE LYING AND BEING IN THE TOWN OF DAVE BROWARD COUNTY, FLORIDA. CONTAINING 17,457.66 SQ-FT.±

I HEREBY CERTIFY: THAT THE ATTACHED SKETCH AND DESCRIPTION CONFORMS TO CHAPTER 21HH-6.06 (1) (FLORIDA ADMINISTRATIVE CODE), AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

NOTE: THE UNDERSIGNED AND ASSOCIATED ENGINEERS OF SOUTH FLORIDA, INC. MAKES NO REPRESENTATIONS NOR GUARANTEES AS TO THE COMPLETENESS OF THE INFORMATION REPRESENTED HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, RESERVATIONS, AGREEMENTS OR OTHER MATTERS OF PUBLIC RECORD. THIS INSTRUMENT IS INTENDED TO REFLECT OR SET FORTH ONLY THOSE ITEMS SHOWN IN THE REFERENCE ABOVE. AECOSF DID NOT RESEARCH THE PUBLIC RECORDS IN CONNECTION WITH THE LANDS DESCRIBED HEREON. THIS INSTRUMENT IS THE PROPERTY OF AECOSF AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION FROM AECOSF.

PAUL PEANA, P.E.
REGISTERED ENGINEER NO. 37334
STATE OF FLORIDA

REVISIONS/UPDATES: CHANGE FROM EASEMENT TO PUBLIC RIGHT-OF-WAY 12-3-02

DATED: AUGUST 28th, 2001

SCALE: 1"=80' DRAWN BY: M.J. CHECKED BY: G.X.A. PROJECT No.: 99-108/R.O.W.



ASSOCIATED ENGINEERS OF SOUTH FLORIDA, INC.
PLANNING STUDIES DESIGN INSPECTION SERVICES
6400 GRIPPIN ROAD, SUITE 81, DAVIE, FLORIDA 33414
PHONE: 954-824-5666 FAX: 954-824-5668
CERTIFICATE OF AUTHORIZATION NO. 8068

FOR:
ALICE BUTLER/DAVID CLARK

PROJECT:
RIGHT-OF-WAY
DEDICATION
PINE MEADOW
ESTATES

TOD ANDREW WESTON
Of Counsel
Andrew T. Gerrits
Laurence Glazer

LAW OFFICES
TOD ANDREW WESTON
ATTORNEY & COUNSELOR AT LAW
51 EAST COMMERCIAL BOULEVARD
FORT LAUDERDALE, FLORIDA 33334
TELEPHONE (954) 938-5333
FAX (954) 938-4056

October 7, 2003

OPINION OF TITLE

TO: TOWN OF DAVIE
DAVIE, FLORIDA

RE: A portion of Parcel "A" of: "Pine Meadow Estates" according to the plat thereof recorded in Plat Book 169, at Page 0083 of the Public Records of Broward County, Florida, said lands being more particularly described in Exhibit "A" attached hereto and made part hereof:

It is hereby certified that I have examined title through September 29, 2003 of the above described real property.

Basing my opinion on said search, I am of the opinion that on the last mentioned date the fee simple title in the above described property was vested in Alice U. Butler, a single woman, and David A. Clark, a single man by virtue of Warranty Deed recorded in July 22, 1999 in Official Records Book 29684, Page 938 of the Public Records of Broward County, Florida and continues to be vested in Alice U. Butler, a single woman and David A. Clark, a single man as of September 29, 2003. There are no mortgages on the subject property.

Subject to the following exceptions:

1. Restrictions, conditions, reservations, easements, and other matters contained on the Plat of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, as recorded in Plat Book 2, Page 17, Public Records of Dade County, Florida.
2. Covenants, conditions and restrictions recorded February 8, 1964, in O.R. Book 2756, Page 55, as amended in O.R. Book 2967, Page 827, Public Records of Broward County, Florida.
3. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.
4. Easements or claims of easements not shown by the public records.
5. Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands insured hereunder, included submerged, filled and artificially exposed lands accreted to such lands.

TO: Town of Davie
Page Two
October 7, 2003

6. Unrecorded special assessment liens or unrecorded liens arising by virtue of ordinances, unrecorded agreements as to impact or other development fees.

7. Order by Board of County Commissioners recorded in O.R. Book 34145, Page 1891.

8. Easement in favor of Pine Meadow Estate Homeowners Association, Inc. recorded in O.R. Book 33928, Page 632.

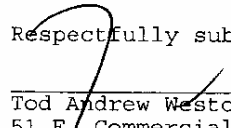
9. Easement in favor of Pine Meadow Estate Homeowners Association, Inc. recorded in O.R. Book 33895, Page 1632.

10. Easement in favor of Florida Power & Light Company recorded in O.R. book 32637, Page 428.

11. Easement in favor of Pine Meadow Estate Homeowners Association, Inc. recorded in O.R. Book 33928, Page 1529.

12. Agreement with Central Broward Water Control District recorded in O.R. book 31253, Page 419.

Respectfully submitted this 7th day of October 2003.



Tod Andrew Weston, Esq.
51 E. Commercial Blvd.
Fort Lauderdale, FL 33308
(954) 938-5333 Tel.
(954) 938-4056 Fax
Florida Bar No. 0861162



REVENUE COLLECTION DIVISION - Tax & License Section - Delinquent Real Estate Section
115 S. Andrews Avenue, • Fort Lauderdale, FL 33301 • 954-468-3424 • FAX 954-468-3432

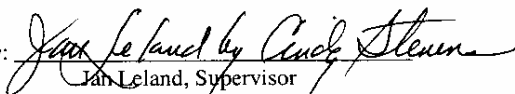
September 5, 2003

PINE MEADOW ESTATES

To Whom It May Concern:

This is to certify that a search of our records indicates Real Estate Taxes are PAID
through the year 2002, including the 1980 Tax Roll Reconciliation, to wit:

Revenue Collection Division

By: 
Jan Leland, Supervisor
Delinquent Real Estate Tax Section

JL/cs

Folio# 10015-18-00100

2002 Receipt #1702041.0001

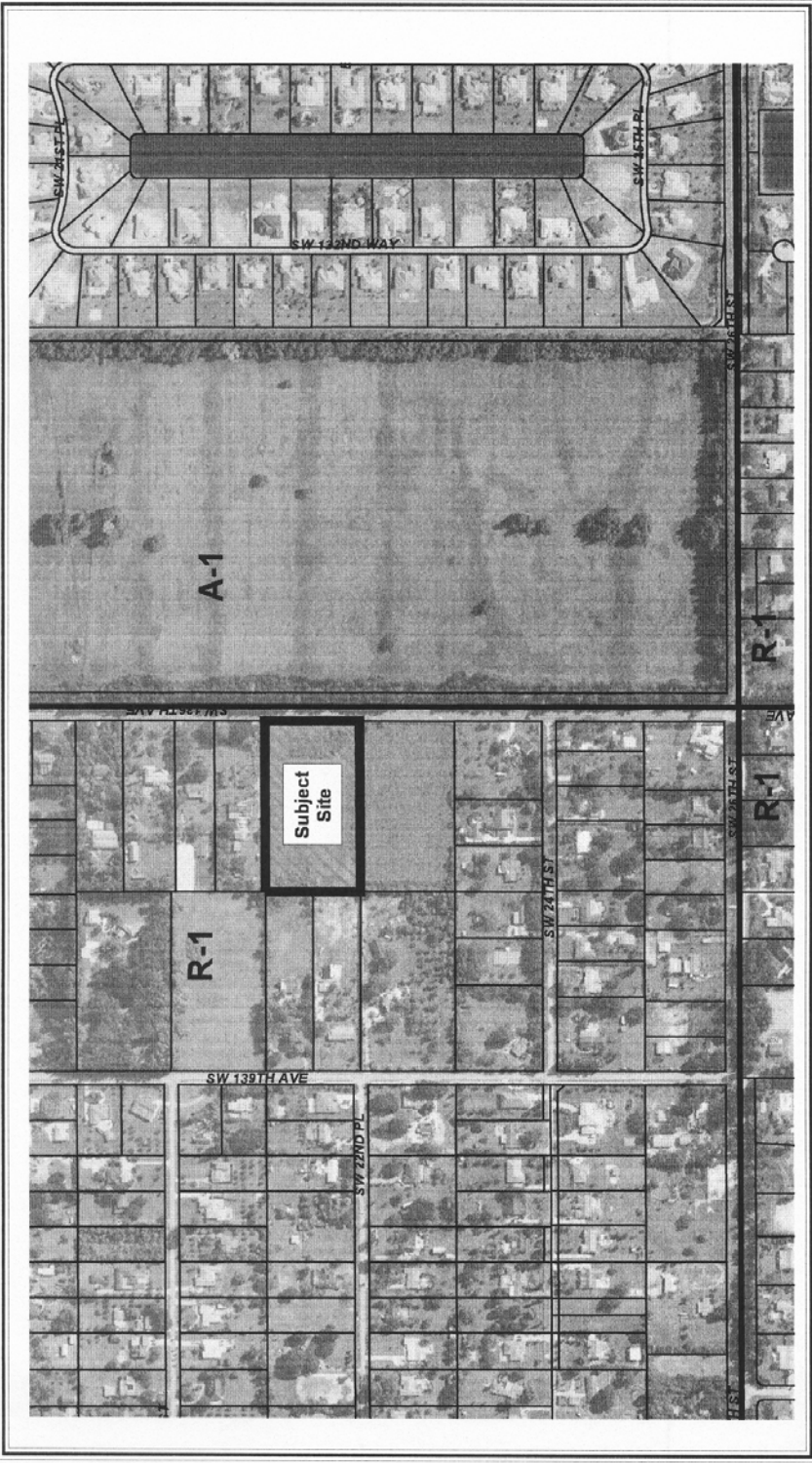
DESCRIPTION:

THE EAST ONE HALF (E 1/2) OF TRACT FIFTYTWO (52), LESS THE SOUTHWEST 136th AVE. ROAD RIGHT OF WAY IN SECTION 15, TOWNSHIP 50 SOUTH, RANGE 40 EAST, OF: "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION No. 1", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2 PAGE 17, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.;

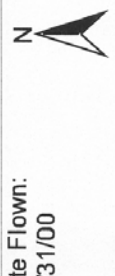
NOTARY PUBLIC - STATE OF FLORIDA
ROSE MARIE GOX
NOTARY PUBLIC'S OFFICE
OAKLAND COUNTY
MY COMMISSION EXP. JUNE 11, 2008

FLORIDA
MICHIGAN

SAID LANDS SITUATE LYING AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA. CONTAINING 4.608 ACRES MORE OR LESS.



Date Flown:
12/31/00



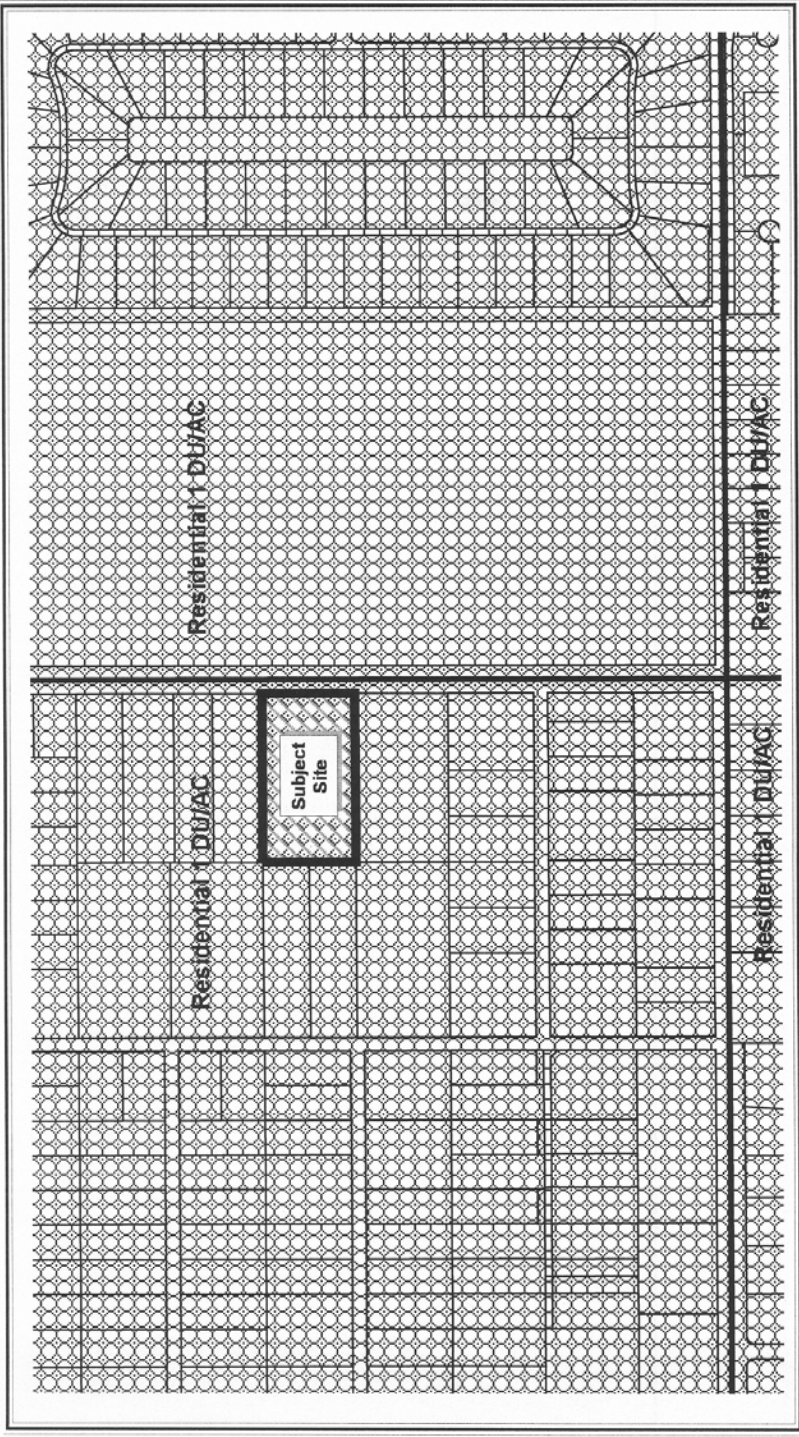
400 0 400 800 Feet

Planning & Zoning Division - GIS



GRANT OF EASEMENT Subject Site and Land Use Map

Prepared By: D.M.A.
Date Prepared: 11/19/03



Date Flown:
12/31/00



Planning & Zoning Division - GIS



GRANT OF EASEMENT Subject Site and Land Use Map

Prepared By: D.M.A.
Date Prepared: 11/19/03